

Article 8: Airports**Division 2: San Diego Helicopter Rules and Regulations***("San Diego Helicopter Rules and Regulations"**added 8-4-1970 by O-10355 N.S.)***§68.0200 Purpose and Intent**

It is the purpose and intent of this division to provide rules and regulations governing the conduct of the operation of helicopters and related facilities within the City of San Diego.

("Purpose and Intent" added 8-4-1970 by O-10355 N.S.)

§68.0201 Citation of Ordinance

This division may be cited as the San Diego Helicopter Rules and Regulations Ordinance.

("Citation of Ordinance" added 8-4-1970 by O-10355 N.S.)

§68.0202 Rules of Construction

This division shall be construed liberally in order to effectuate its purposes. Unless otherwise specifically prescribed in this division, the following provisions shall govern its interpretation and construction:

- (a) When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
- (b) Time is of the essence in this division. No person shall be relieved of his obligation to comply promptly with any provision of this article by any failure of City to enforce prompt compliance with any of its provisions.
- (c) Any right or power conferred, or duty imposed upon any officer, employee, department or board of City is subject to transfer by operation of law to any other officer, employee, department or board of City.
- (d) No person shall have any recourse whatsoever against City for any loss, cost, expense or damage arising out of any provision or requirement of this division or the enforcement thereof.

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- (e) This division does not relieve any person of any requirement of the City Charter or of any ordinance, rule, regulation or specification of City.
(*"Rules of Construction" added 8-4-1970 by O-10355 N.S.*)

§68.0203 Definitions

Whenever used in this division, the following words or phrases shall mean:

- (a) "City" shall mean The City of San Diego, a municipal corporation in the State of California.
- (b) "Council" shall mean the City Council of City.
- (c) "City Manager" shall mean the City Manager of City as that office is defined in Section 27 of the City Charter and any officer or employee of City appointed by the City Manager to act for him.
- (d) "Airports Director" shall mean the Director of the Airports Department of City and any officer or employee of City appointed to act for him.
- (e) "Approach-Departure Path" shall mean a clear path selected for flight, extending upward and outward from the edge of the landing and takeoff area.
- (f) "Commercial Helicopter" shall mean any helicopter used for the transportation for hire of passengers, cargo or mail where a public heliport or helistop is the destination or point of origin of its flight, and any helicopter engaged in commercial utility work including photo, patrol, forestry, advertising, agricultural and flight training where a public heliport or helistop is used for takeoff or landing.
- (g) "Helicopter" shall mean a rotary wing aircraft which depends for its support and motion in the air principally upon the lift generated by one or more power-driven rotors that rotate on a substantially vertical axis.
- (h) "Helicopter Training Site" shall mean an area of land designated by City to be used for the training and maintenance of proficiency of helicopter pilots.
- (i) "Heliport" shall mean an area, either at ground level or elevated on a structure, which is used or intended to be used for the landing and takeoff of helicopters, and includes some or all of the various facilities useful to helicopter operation, such as helicopter parking, waiting room, fueling and maintenance equipment.

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- (j) "Helistop" shall mean a heliport, either at ground level or elevated on a structure, for the landing and takeoff of helicopters, but without auxiliary facilities such as waiting room, hangar, parking, maintenance or fueling equipment.
 - (k) "Off-Heliport Landing Site" shall mean that takeoff and landing area intended for temporary or occasional helicopter use but not formally designated as a heliport.
 - (l) "Public Heliport/Helistop" shall mean a heliport or helistop serving the general public.
 - (m) "Private Heliport/Helistop" shall mean a heliport or helistop serving a limited number of individuals or firms, their owners, employees, agents and guests.
 - (n) "Takeoff and Landing Area" shall mean that area of the heliport where the helicopter actually lands and takes off and includes the touchdown area.
 - (o) "Taxiway" shall mean a surface pathway used to hover taxi or ground taxi of helicopters to and from the takeoff and landing area.
- ("Definitions" added 8-4-1970 by O-10355 N.S.)*

§68.0204 Classification of Heliports and Helistops

Heliports and helistops shall be designated as either ground level, elevated or floating. Each shall be classified as one of the following:

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| Class I Private. | Any heliport or helistop which is exclusively for the owner's sole use and which use by other parties is only by specific invitation or permission of the owner. |
| Class II Public (small). | Any publicly owned heliport or helistop (or one privately owned but dedicated to public use) which will accommodate helicopters of 6,000 pounds gross weight. |
| Class III Public (large). | Any publicly owned heliport or helistop (or one privately owned but dedicated to public use) which will accommodate helicopters in excess of 6,000 pounds gross weight. |

Heliports and helistops are further subclassified in accordance with their available

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support facilities as follows:

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| Subclass A | Minimum support facilities — no buildings, maintenance or fueling (a helistop). |
| Subclass B | Limited support facilities — no fuel, no maintenance. |
| Subclass C | Complete support facilities including maintenance and fueling. |

Classification as used in this section is not intended to establish control or limitation on support facilities authorized for heliports/helistops but is a reflection of such facilities available on any given installation.

(“Classification of Heliports and Helistops” added 8-4-1970 by O-10355 N.S.)

§68.0205 License Required

No person shall operate or maintain a heliport or helistop without first obtaining a license from the City, applications for which shall be made in writing to the City Manager.

(“License Required” added 8-4-1970 by O-10355 N.S.)

§68.0206 License Fees

The owner or operator of a permanent public heliport or helistop shall pay an annual license fee payable on the anniversary date of the issuance of the license in the amount of \$25.00 for a helistop and \$100.00 for a heliport. The first such license fee shall accompany the license application.

The applicant for a temporary public heliport or helistop permit as provided in Section 62.0208 with a duration in excess of ten days shall pay a license fee of \$10.00. The applicant for a temporary heliport or helistop permit with a duration of less than ten days shall pay a license fee of \$5.00. License fee shall accompany the application.

The applicant for a private heliport or helistop shall pay an annual license fee of \$10.00 payable on the anniversary date of the issuance of the license. License fee shall accompany the application.

Payment of license fees when due is a condition for granting or renewal of the license.
(“License Fees” added 8-4-1970 by O-10355 N.S.)

§68.0207 Application for License — Permanent Heliport or Helistop

Every application for a license to construct and/or operate a permanent heliport or helistop shall be submitted in writing to the City Manager and shall include the following:

- (a) Name and address of applicant whether a firm, association or corporation.
- (b) Copy of completed application to California Department of Aeronautics for State approval.
- (c) Copy of completed application to Federal Aviation Administration for approval.
- (d) For the first application in each calendar year, a certificate of insurance providing a public liability and property damage consistent with the requirements of the California Public Utility Commission for helicopter operations.
- (e) A Conditional Use Permit issued by the City Planning Commission in accordance with the provisions of the Municipal Code, Chapter 10, Article 1, Division 5.

Every license which is issued pursuant to this division shall be conditional pending receipt by the City Manager of evidence of the approvals required by the Federal Aviation Administration and the California Department of Aeronautics, and said license shall not be deemed unconditionally approved until such evidence is received by the City Manager. In the event either or both the Federal Aviation Administration or California Department of Aeronautics disapproves such applications or fails to approve such applications within ninety days after the issuance of the license issued pursuant to this division, then said license shall be deemed revoked by operation of law without the requirement of notice to the applicant by City. This section shall not be construed as authority to operate a heliport or helistop until the license granted pursuant to this division is unconditionally approved.

(Amended 6-23-1986 by O-16672 N.S.)

§68.0208 Application for License — Temporary Heliport or Helistop

No person shall operate a helicopter to or from any property within the City other than a heliport, helistop or helicopter training site approved by the City (except in cases of

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an emergency situation), provided, however, that the landing and takeoff of helicopters at places other than approved heliports and helistops may be authorized for specifically designated and limited times by obtaining permission from the Airports Director. Such authorization shall not exceed a thirty– day period.

Every application for temporary heliport or helistop permit shall be made in writing to the Airports Director and shall include the following:

- (a) Name and address of applicant whether a firm, association or corporation.
- (b) Copy of application for State approval.
- (c) Copy of application for Federal Aviation Administration approval.
- (d) Written approval of landowner or duly authorized agent or representative.
- (e) Certificate of insurance as in Section 68.0207(d).

Upon receipt of proper application, the Airports Director shall coordinate and obtain concurrence from appropriate City departments. Temporary sites will be evaluated on the basis of recommended Federal Aviation Administration criteria. Waivers may be granted on this criteria when safety of flight or the interests of the general public are not jeopardized. Past performance of applicant shall be considered in each instance. An appropriate permit for temporary operations shall be issued by the Airports Director.

(“Application for License — Temporary Heliport or Helistop” added 8–4–1970 by O–10355 N.S.)

§68.0209 Heliport and Helistop Regulations

No license for the operation of a permanent heliport or helistop shall be issued until the following conditions are met:

- (a) The takeoff and landing area shall be encircled by a fence or barrier not less than three feet in height.
- (b) The touchdown area shall be located in the center of the takeoff and landing area.
- (c) Obstruction clearance surfaces shall be as required by Federal Aviation Regulations.

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- (d) Each takeoff and landing area shall have two obstruction clearance surfaces at least 90 degrees apart, one of which is into the prevailing wind.
- (e) A wind indicating device shall be provided and maintained at all times in a workable condition.
- (f) The takeoff and landing area shall be provided with adequate lighting if used for night or all weather operations.
- (g) The helicopter landing facilities shall be marked as prescribed by the Federal Aviation Administration.
- (h) Surfacing of the landing facility shall be such so as to minimize the blowing of any dust, dirt or other objectionable material onto neighboring property.
- (i) Every heliport or helistop as herein defined shall be limited in hours of operation to the periods between sunup and sundown daily unless properly lighted and specifically approved for night operation.
- (j) The Planning Commission may, pursuant to Chapter 10, Article 1, Division 5 of the Municipal Code, impose such additional conditions as it deems necessary and desirable to protect the public health, safety and welfare in those cases requiring the issuance of a Conditional Use Permit.
- (k) Floating helistops or heliports shall be marked and lighted in accordance with Coast Guard regulations.
- (l) Adequate portable fire extinguishers shall be provided as determined by the City Fire Marshal.

(Amended 6-23-1986 by O-16672 N.S.)

§68.0210 Elevated Heliport and Helistop Regulations

No license for the operation of an elevated heliport/helistop shall be issued until the following additional requirements are met:

- (a) The provisions of the San Diego Building Code, Sections 1713 and 2315 shall be complied with.
- (b) The roof shall be provided with a 12-inch parapet. Where openings pierce the roof, they shall be provided with a 6-inch curb and fire protected as required

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for vertical shafts. No openings in the roof shall be permitted within 25 feet of the touchdown boundaries.

- (c) Exits shall not be located in the landing or takeoff pattern.
- (d) Landing pads raised above roof level shall have two (2) three-foot stairs provided to the roof below.
- (e) No fueling or repairing of helicopters shall be permitted except of an emergency nature when approved by the City Fire Marshal.
- (f) Separator or clarifying tanks for collecting spilled fuel shall be installed under approval and supervision of the Fire Department.
- (g) No smoking shall be permitted within 50 feet of the landing pad.
- (h) Two or more wet standpipes shall be provided to reach all parts of roof equipped with 1 1/2-inch rubber lined fire hose not over 100 feet in length. Hose shall be equipped with combination fog nozzles. Sufficient pressure shall be provided to afford a good fog pattern. Hose cabinets shall be located near the separate exits.
- (i) The electrical wiring and equipment in the landing pad area shall comply with requirements of the National Electrical Code for Class 1, Division 2, Hazardous Locations.
- (j) Mechanical, air handling, and air conditioning equipment or penthouses must be 25 feet from the landing pad, outside the landing and takeoff pattern and protected by a substantial incombustible barrier on the side toward the landing pad.
- (k) Two fire extinguishers of at least 16 BC rating each shall be provided.
- (l) Approved means of communication, such as direct-line telephone or fire alarm box, shall be provided in the immediate vicinity.

(“Elevated Heliport and Helistop Regulations” added 8-4-1970 by O-10355 N.S.)

§68.0211 Establishment of Training Sites

Training and proficiency practice operations for helicopter pilots shall be conducted only at sites designated and approved by the City Manager. Site selection and approval

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shall be as follows:

- (a) Airports Director shall select appropriate sites in those areas of the City where practice and training operations will be most compatible, giving consideration to minimizing distance from regular helicopter base locations.
- (b) Airports Director shall coordinate with Federal Aviation Administration and State officials, obtaining their concurrence and approval as required for sites selected.
- (c) Airports Director shall obtain approval of the City Manager for sites selected and shall assure appropriate notice to all concerned. Notice shall include advice that all operations at selected sites are at the risk of the pilot and without responsibility on the part of the City.

(“Establishment of Training Sites” added 8-4-1970 by O-10355 N.S.)

§68.0212 Automatic Suspension and Revocation of Licenses

- (a) A license to operate a heliport or helistop granted pursuant to this division shall be deemed automatically suspended if the approval of the licensee or the facility given by the California Department of Aeronautics or the Federal Aviation Administration is lost or withdrawn for any reason. Such suspension shall remain in effect until the license delivers evidence of the approval of the California Department of Aeronautics and/or the Federal Aviation Administration to the City Manager.
- (b) When, in the opinion of the City Manager, the continued operation of a heliport or helistop is a serious danger to the public health, safety or welfare, the City Manager may suspend the license to operate such facility without complying with the hearing procedure provided by this division. The licensee is, however, entitled to the appeals procedure provided by this division.

(“Automatic Suspension and Revocation of Licenses” added 8-4-1970 by O-10355 N.S.)

§68.0213 Hearing Procedure

Before denying, suspending or revoking a license issued pursuant to this division, the City Manager shall call a hearing as provided in this division, except as provided in Section 68.0212 of this division.

(“Hearing Procedure” added 8-4-1970 by O-10355 N.S.)

§68.0214 Notice of Hearing

Upon the calling of such a hearing, the City Manager shall cause a written notice of hearing specifying the time and place of hearing and the reason for such suspension or revocation to be served personally or by mail upon the license holder. Such service shall be made at least ten (10) days before the hearing. The day of mailing shall be deemed the first of the ten (10) days for determining the ten (10) day period.
(*“Notice of Hearing” added 8-4-1970 by O-10355 N.S.*)

§68.0215 Hearing

At the time and place which is appointed for the hearing, the City Manager shall hear the parties and take evidence.
(*“Hearing” added 8-4-1970 by O-10355 N.S.*)

§68.0216 Rules of Evidence

The hearing need not be conducted according to the statutory or common law rules of evidence. Any relevant evidence may be admitted and considered by the City Manager if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the City Manager.
(*“Rules of Evidence” added 8-4-1970 by O-10355 N.S.*)

§68.0217 Grounds for Suspension or Revocation

The City Manager may suspend or revoke a license to operate a heliport or helistop whenever:

- (a) There is a violation of these sections or subsections and/or of any State or Federal law or regulation pertaining thereto;
- (b) State permit and/or Federal Aviation Administration approval is lost, suspended or withdrawn for any reason;
- (c) There has been a material change of circumstances since the granting of the license which would have precluded issuance of the license if such changed circumstances had been in existence at the time of application;

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- (d) Conditions of the Conditional Use Permit have been violated.
(*“Grounds for Suspension or Revocation” added 8-4-1970 by O-10355 N.S.*)

§68.0218 Decision

At the conclusion of the hearing, the City Manager shall make an order. Such order can:

- (a) dismiss the charges;
- (b) suspend or revoke the license, or
- (c) affix such other conditional and probationary orders as may be proper for the enforcement of this article.

A copy of the decision shall be furnished to the license holder who shall be informed of his right to appeal pursuant to this division.
(*“Decision” added 8-4-1970 by O-10355 N.S.*)

§68.0219 Stay of Suspension or Revocation

The effect of a decision by the City Manager shall be stayed while an appeal to Council is pending or until the time for filing such appeal has expired except as provided in Section 68.0212 of this division.
(*“Stay of Suspension or Revocation” added 8-4-1970 by O-10355 N.S.*)

§68.0220 Commencement of Appellate Procedure

Any person affected by an action taken or purported to be taken under authority of this division, or by a failure to act in conformity with this division, may appeal such action or failure to act by filing within ten (10) days of such act or failure, an appellate petition with the City Clerk on a form furnished by him.
(*“Commencement of Appellate Procedure” added 8-4-1970 by O-10355 N.S.*)

§68.0221 Appellate Hearing

City Clerk shall set the appeal for public hearing. Notice thereof shall be published in a newspaper of general circulation at least once ten (10) days prior to the date of the hearing which shall be within thirty (30) days after appellant files his appellate petition. At the conclusion of the hearing, Council shall by resolution grant or deny the appeal. When the appellate petition is filed with City Clerk, any action which is the subject of

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the appeal shall be stayed until Council decides the appeal, except as provided in Section 68.0212 of this division. If Council grants the appeal, Council shall direct the appropriate action of the City Manager. If Council denies the appeal, the action of the City Manager becomes effective immediately upon denial.

(“Appellate Hearing” added 8-4-1970 by O-10355 N.S.)

§68.0222 Constitutionality

If any section, subsection, sentence, clause or phrase of this division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this division. The Council hereby declares that it would have adopted the division and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

(“Constitutionality” added 8-4-1970 by O-10355 N.S.)